Allotment of 2G spectrum

760. SHRI NANDAMURI HARIKRISHNA:
SHRI M.V. MYSURA REDDY:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether it is a fact that his Ministry has changed the cut-off date for allotment of 2G spectrum;

(b) the reasons behind modifying the cut-off date;

(c) the details of companies which are going to be benefited with the change in the cut-off date;

(d) whether it is true that the High Court of Delhi has ruled that advancing the cut-off date is illegal and directed his Ministry to allot spectrum to some applicants; and

(e) the criteria adopted in allocation of spectrum and the revenue accrued to Government Exchequer through allocation of spectrum?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI GURUDAS KAMAT): (a) Government has not prescribed any cut-off date for allotment of 2G spectrum and the spectrum is allotted continuously on first-come-first-serve basis based on guidelines/ orders/ criteria in force from time to time, subject to availability.

(b) and (c) Do not arise in view of (a) above.

(d) Single Judge of High Court of Delhi, in its judgement dated 01.07.2009 in Writ Petition (C) No. 363 of 2008 in the matter of S Tel. Ltd. Vs Union of India has quashed the Press Release dated 10.01.2008 wherein it was, *inter-alia*, intimated that Department of Telecom (DOT) has decided to issue Letter of Intent (LOI) to all the eligible applicants on the date of application who applied upto 25-9-2007 and directed to consider the 16 applications dated 28.09.2007 of the petitioner.

(e) Initial start-up spectrum of 4.4 MHz for Global System of Mobile Communications (GSM)/2.5 MHz for Code Division Multiple Access (CDMA) is allotted as per the provisions of Unified Access Services (UAS) Licence Agreement, subject to availability of spectrum on first-come-first-served basis. Additional spectrum beyond initial start-up spectrum is allotted as per the prescribed criteria subject to availability of spectrum. The current prescribed criteria dated 17.01.2008 in force for GSM and CDMA technology are given in Statement-I and II respectively.

The annual spectrum charge revenue accrued to Government Exchequer as revenue share from the access services licensees for year 2008-09 is Rs. 3248.57 Crore. This is in addition to the upfront entry fee for grant of UAS licences and annual licence fee as revenue share payable by the licensees separately.

Statement-I

Order

Government of India
Ministry of Communications and IT
Department of Telecommunication
WPC Wing, Sanchar Bhawan, New Delhi-11001

No. J-14025/200(17)/2004-NT **Dated the 17th January, 2008**

O R D E R

In continuation of the orders dated 09-01-2008 relating to subscriber base criteria for allotment of **GSM** spectrum, the following subscriber based criteria, in line with TRAI recommendations shall be followed, as an interim measure.

Service Area	Subscriber base* (In Lakh) supported by GSM spectrum in MHz. (eligibility for allotment of next step)										
	2 × 4.4	2 × 6.2	2 × 7.2	2 × 8.2	2 × 9.2	2 × 10.2	2 × 11.2	2 × 12.2	2 × 13.2	2 × 14.2	2 × 15@
Metro Service Areas	5	15	18	21	26	32	40	48	57	65	
Telecom Circles as Service Area Category 'A' and 'B'	8	30	41	53	68	82	90	98	107	116	
Category 'C Circles	6	20	31	42	52	62	70	78	87	96	

@Present upper limit for spectrum allotment.

* These are the figures of active subscribers (VLR) averaged over a month. In addition, peak traffic, averaged over a month should be 40 milli-Erlangs per active subscriber in the criteria.

2. The spectrum allotment is subject to availability of spectrum.

3. The active subscribers and peak traffic averaged over a month (for a minimum of 40mErlangs per subscriber) in the Visitor Locator. Register (VLR) would be taken into account for this purpose.

4. The revenue share for spectrum charges, as per orders in this regard, would apply on the AGR for the complete service area.

5. This comes into force with immediate effect.

-Sd-
(D. JHA)
Assistant Wireless Adviser
Ph: 2303 6681

To:
(1) All concerned.
(2) Unified Access Service Providers/Cellular Mobile Telephone Service providers.
(3) COAI.

Statement-II

Order

Government of India
Ministry of Communications and IT
Department of Telecommunication
WPC Wing, Sanchar Bhawan, New Delhi-11001

No. J-14025/200(17)/2004-NT **Dated the 17th January, 2008**

O R D E R

In continuation of the orders dated 09-01-2008 relating to subscriber base criteria for allotment of **CDMA** spectrum, the following subscriber based criteria, in line with TRAI recommendations shall be followed, as an interim measure.

Service Area	Subscriber base* (In Lakh) supported by CDMA spectrum in MHz. (eligibility for allotment of next step)				
	2 × 2.5 MHz (2 carriers)	2 × 3.75 MHz (3 carriers)	2 × 5 MHz (4 carriers)	2 × 6.25 MHz (5 carriers)	2 × 7.5 MHz (6 carriers)@
Metro Service Areas	5	20	30	50	
Telecom Circles as Service Area					
Category 'A' and 'B' circles	8	50	80	100	
Category 'C' circles	6	40	60	80	

@Present upper limit for spectrum allotment.

* These are the figures of active subscribers (VLR) averaged over a month. In addition, peak traffic, averaged over a month should be 40 milli-Erlangs per active subscriber in the criteria.

2. The spectrum allotment is subject to availability of spectrum.

3. The active subscribers and peak traffic averaged over a month (for a minimum of 40mErlangs per subscriber) in the Visitor Locator Register (VLR) would be taken into account for this purpose.

4. The revenue share for spectrum charges, as per orders in this regard, would apply on the AGR for the complete service area.

5. This comes into force with immediate effect.

-Sd-
(D. JHA)
Assistant Wireless Adviser
Ph: 2303 6681

To:
(1) All concerned.
(2) Unified Access Service Providers/Basic Service providers.
(3) AUSPI.